GOVERNMENT OF INDIA
WATER RESOURCES, RIVER DEVELOPMENT AND GANAGA REJUVENATION
LOK SABHA

UNSTARRED QUESTION NO:3034
ANSWERED ON:04.08.2016
National Water Framework Law
Birla Shri Om;Sahu Shri Chandu Lal

Will the Minister of WATER RESOURCES, RIVER DEVELOPMENT AND GANAGA REJUVENATION be pleased to state:

(a) the salient features of National Water Framework Law and River Basin Management Bill drafted by the Government;
(b) the steps taken by the Government to expedite the process of their enactment; and
(c) the details of deliberations undertaken with the States in this matter and the outcome as a result of the same?

Answer

THE MINISTER OF STATE FOR WATER RESOURCES, RIVER DEVELOPMENT AND GANGA REJUVENATION
(DR. SANJEEV KUMAR BALYAN)

(a) t o (c) The National Water Policy (2012) emphasizes the need to evolve a National Water Framework Law as an umbrella statement of general principles governing the exercise of legislative/executive powers by the Centre, the States and the local governing bodies. This Ministry had constituted a Committee on 3rd July, 2012 under the Chairmanship of Dr. Y. K. Alagh to draft National Water Framework Law. The Committee submitted its report in May, 2013. The salient features of draft National Water Framework Law prepared by the Alagh Committee are at Annexure-I.

Further, this Ministry had constituted a Committee under the Chairmanship of Justice T. S. Doabia (Retd.) to study the activities that are required for optimum development of river basin and changes required in the existing River Board Act, 1956 for achievement of the same. The Committee submitted its Report in November, 2012 wherein the draft River Basin Management Bill was proposed. The salient features of the draft River Basin Management Bill are at Annexure-II.

The reports submitted by Dr. Y.K. Alagh Committee and Justice T. S. Doabia (Retd.) Committee were circulated to the States/UTs for comments and were also placed before the National Forum of Water Resources / Irrigation Ministers of States for wider consultations at its meeting held on 29.05.2013. Some of the States/UTs had given positive response on the draft National Water Framework Law and draft River Basin Management Bill whereas some States had expressed reservations in the matter.

A Committee under the Chairmanship of Dr. Mihir Shah was constituted by this Ministry on 28.12.2015 to examine the provisions of the draft National Water Framework Law and draft River Basin Management Bill and suggest changes/ modifications therein taking into account inter-alia the emerging challenges in the water sector, reuse of waste water after treatment, the likely impact of climate change on water resources, importance of river restoration/rejuvenation, water contamination issues etc. The recommendations of the Dr. Mihir Shah Committee on National Water Framework Law have been finalized

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Annexure-I
(Annexure referred to in reply to Part (a) to (c) of the Unstarred Question No.3034 to be answered on 04.08.2016 in the Lok Sabha regarding "National Water Framework Law")

Salient features of draft National Water Framework Bill
(Prepared by Dr. Y.K. Alagh Committee)

(1) The draft National Water Framework Bill proposes to establish an umbrella statement of general principles governing the exercise of legislative and/or executive (or devolved) powers by the Centre, the States and the local governing bodies, which should lead the way for essential legislation on water governance in every State of the Union and devolution of necessary authority to the lower tiers of government to deal with the local water situation.

(2) It proposes eighteen Basic Principles for Water Management to bring different State legal interventions within a framework of governing principles and alignment of existing legislations both at the Central as well as State level to conform to the principles and provisions of this Bill.

(3) It proposes that every individual should have a right to a minimum quantity of potable water (not less than 25 litres per capita per day) for essential health and hygiene and within easy reach of the household, which may be provided free of cost to eligible households, being part of pre-emptive need.

(4) It proposes establishment of an independent statutory Water Regulatory Authority by every State for ensuring equitable access to water for all and its fair pricing on volumetric basis, for drinking and other uses such as sanitation, agricultural and industrial.

(5) It proposes that all water resources projects conform to the River Basin Master Plan to be prepared, applicable efficiency

benchmarks and take into account all social and environmental aspects in addition to techno-economic considerations.

(6) It proposes that the groundwater be protected, conserved and regulated through appropriate laws and by adequate and efficient measures using precautionary approach, with active participation of Community Based Institutions.

(7) It proposes conformance to the Service Level Benchmarks for water supply, sanitation, solid waste management and storm water drainage, as may be prescribed.

(8) It proposes that Industries either withdraw only the make up water or have an obligation to return treated effluent to a specified standard back to the hydrologic system and to file annual 'Water returns'.

(9) It proposes that the appropriate Government take all possible measures to synergise and integrate different development schemes including schemes for water conservation, sanitation and improvement of water quality at Panchayat or Municipality level, as the case may be, and further at sub basin and basin level.

(10) It proposes that a High Powered Committee be set up at the Centre and in each State for coordination and policy support mechanism between different agencies dealing with water etc.

Annexure-II

(Annexure referred to in reply to Part (a) to (c) of the Unstarred Question No.3034 to be answered on 04.08.2016 in the Lok Sabha regarding "National Water Framework Law")

Salient Features of the draft River Basin Management Bill
(Prepared by Justice (Retd.) T.S.Doabia Committee)

(1) The Draft River Basin Management Bill proposes establishment of separate River Basin Authorities for regulation and development of waters for twelve major inter-State river basins in the country.

(2) It proposes principles of participation, cooperation, equitable and sustainable management, conjunctive use, integrated management, public trust doctrine and demand management for governing river basin development, management and regulation.

(3) It proposes a two-tier structure for a River Basin Authority, consisting of a Governing Council comprising, inter-alia, of Chief Ministers of riparian States and an Executive Board comprising, inter-alia, of Secretaries of riparian States, charged with the technical and implementation powers for the Governing Council decisions.

(4) It proposes each River Basin Authority should prepare a River Basin Master Plan for the inter-State river basin under its jurisdiction on the principles of Integrated Water Resources Management.

(5) It proposes that the Governing Council follow persuasion, conciliation and mediation as means to resolve disputes, whenever any dispute or difference arises between two or more State Governments with respect to any recommendation given by the River Basin Authority or the refusal or neglect of any State Government to undertake any measures in pursuance of the River Basin Master Plan or Schemes.

(6) It provides for referral of dispute(s) for resolution under the Inter State River Water Disputes Act, 1956, when the Governing Council fails to determine the issue(s) or resolve the water dispute(s) or where the State Governments disagree with the decision tendered by such Governing Council.

(7) It proposes that the River Basin Authority be empowered to have its own funds and requires them to prepare Annual Report to be laid before both Houses of Parliament.

(8) It proposes that the Central Government may give directions and make Rules for effective implementation of the provisions of the Bill. It also proposes that every River Basin Authority be empowered to make regulations for discharging its powers and functions etc.